



Entered on Docket  
October 12, 2007

Hon. Linda B. Riegle  
United States Bankruptcy Judge

## LEWIS AND ROCA LLP

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*Attorneys for USACM Liquidating Trust*

## UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

In re:  
USA COMMERCIAL MORTGAGE  
COMPANY,  
USA CAPITAL REALTY ADVISORS,  
LLC,  
USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,  
USA CAPITAL FIRST TRUST DEED  
FUND, LLC,  
USA SECURITIES, LLC,  
Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

### CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: September 28, 2007  
Time: 1:30 p.m

### Affecting:

☐ All Cases

### or Only:

- ☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

**ORDER SUSTAINING OBJECTION OF THE USACM LIQUIDATING TRUST  
TO PROOF OF CLAIM OF TONY SUAREZ ASSERTING PRIORITY STATUS**

The USACM Liquidating Trust (the “USACM Trust”) filed its Objection to Proof of Claim of Tony Suarez Asserting Priority Status [DE 4584] (the “Objection”) on August 20, 2007. Appropriate notice of the Objection was given. There were no responses to the Objection.

The Objection came before the Court for hearing on September 28, 2007 at 1:30 p.m. Good cause appearing, it is

**ORDERED:**

- Sustaining the Objection of the USACM Trust to Proof of Claim of Tony Suarez Asserting Priority Status;
- Reclassifying Proof of Claim No. 10725-02395 filed by Tony Suarez as a general unsecured claim; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to Proof of Claim No. 10725-02395 as an unsecured claim or otherwise, whether or not the subject of this Objection.

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**PREPARED AND SUBMITTED:**

**LEWIS AND ROCA LLP**

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

*Attorneys for USACM Liquidating Trust*

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below:
- ☐ approved the form of this order;
- ☐ waived the right to review the order;
- ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
- ☐ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☒ No opposition was filed and no other party or counsel appeared at the hearing.

**LEWIS AND ROCA LLP**

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